

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERTO DURAND,

Plaintiff

v.

MUARO, et al.,

Defendants

Case No. 3:22-cv-00328-MMD-CLB

ORDER DENYING APPLICATIONS  
WITHOUT PREJUDICE

(ECF Nos. 1, 3, 5, 6, 7, 8)

**I. DISCUSSION**

On July 22, 2022, Roberto Durand, an inmate in the custody of the Nevada Department of Corrections, submitted a civil-rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Durand's application to proceed *in forma pauperis* is incomplete because **he did not submit an inmate account statement for the previous six-month period with his application**. Durand has submitted five additional applications to proceed *in forma pauperis*, but they are all incomplete because none includes an inmate account statement for the previous six-month period. (ECF Nos. 3, 5, 6, 7, 8).

Under 28 U.S.C. § 1915(a)(2) and Nevada Local Special Rule 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, with the inmate's two signatures on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. As explained above, Durand's six applications to proceed *in forma pauperis* are all incomplete because none of them includes an inmate account statement for the

1 previous six-month period. The Court will therefore deny Durand's applications to proceed  
 2 *in forma pauperis* without prejudice to his ability to either pay the filing fee or file a new  
 3 fully complete application to proceed *in forma pauperis*. And the Court will grant Durand  
 4 a 60-day extension to do so.

## 5 **II. CONCLUSION**

6 It is therefore ordered that the applications to proceed *in forma pauperis* (ECF  
 7 Nos. 1, 3, 5, 6, 7, 8) are denied without prejudice.

8 It is further ordered that Durand has until **December 5, 2022** to either pay the full  
 9 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with  
 10 all three required documents: (1) a completed application with the inmate's two signatures  
 11 on page 3; (2) a completed financial certificate that is signed both by the inmate and the  
 12 prison official; and (3) a copy of the inmate's trust account statement for the past six-  
 13 month period.

14 Durand is cautioned that this action will be subject to dismissal without prejudice if  
 15 he fails to timely comply with this order.

16 The Clerk of the Court is directed to send plaintiff Roberto Durand the approved  
 17 form application to proceed *in forma pauperis for inmate* and instructions for the same  
 18 and retain the complaint (ECF No. 1-1) but not file it at this time.<sup>1</sup>

19 DATED: This 6<sup>th</sup> day of October, 2022.

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 21 UNITED STATES MAGISTRATE JUDGE  
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<sup>1</sup> The Court notes that Durand has filed a first-amended complaint. (ECF No. 9).